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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,375	02/13/2004	Hye Sook Hwang	2080-3-229	9026

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EXAMINER

FEATHERSTONE, MARK D

ART UNIT	PAPER NUMBER
4157	

MAIL DATE	DELIVERY MODE
10/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,375

Applicant(s)

HWANG, HYE SOOK

Examiner

Mark D. Featherstone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/13/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

2. Claim (1-3,5-6) rejected under 35 U.S.C. 102(e) as being anticipated by Lu et al. US Patent Number 6,647,548 B1.

Regarding Claim 5, Lu discloses a an apparatus (figs. 1-2) for providing a history of viewed broadcast programs consisting of:

a tuner for selecting the video image signal (fig. 2, 46, column 7 line 5)

a means for extracting program data from the video image signal (column 8 line 13-34)

a means for creating a EPG picture using the extracted program data (column 12, line 6-31, also Figure 4, a "picture" of the program records of fig. 4 is generated when a TV receiver is turned on. The displayed represenation of the program records serves as a "EPG picture" as claimed)

a means for storing the created EPG picture as the history of the viewed broadcasting programs (column 12 line 6-31, as discussed in the aforementioned paragraph, the displayed representation of fig. 4 reveals tuning records i.e., history of viewed broadcast programs)

a means for displaying the viewing image signal (column 6 line 15-17, also Figure 1) wherein titles and viewing times of the respective broadcasting programs viewed for a set time are stored in the history (column 11, line 35-36)

Regarding Claim 6, Lu discloses a means for inputting a history search or history set request (column 11, lines 18-22 – Lu teaches that by prompting the user to manually enter the viewed channel and/or station,

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inputting a search or set request as claimed would have been inherently necessitated)

Claim 1 is a method claim corresponding to the apparatus of claim 5, thus has been analyzed and rejected.

Regarding claim 2, Lu discloses a method of displaying a search history in response to a user's history search request (column 12, lines 36-40 and Figure 5 – it is inherent that a user action would be required to start the process. See also rejection of claim 6)

Regarding claim 3, Lu discloses a method wherein titles and viewing times of the respected broadcasting programs viewed for a set time are stored in the history. (Figure 3 and column 11, line 35 – In column 13, line 1-6, Lu discloses that his apparatus will filter out programs not viewed for a minimum amount of time)

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;

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- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

2. Claims 4,7 rejected under 35 U.S.C. 103(a) as being unpatentable over Lu et al. US Patent Number 6,647,548 B1 in view of "Millard et al. US Pub. No. US2002/0038358 A1".

Regarding claims 4 and 7, Lu discloses a method and system for automatically providing the viewing history of a user when the TV is turned on (column 12, lines 13-20), but not a specific window of history that is set in response to a user's request. Millard discloses a method and system for manually setting the storing time of a program (page 19, paragraph 0190).

In view of Lu and Millard as a whole, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine these two teachings to produce a system wherein the storing time of a history is set in response to a user's request, thus enabling that person to see a desirable window of history to reduce search time.

Contact

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Featherstone whose telephone number is 571-270-3750. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on 571-272-7332. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Featherstone/

Patent Examiner
Patent Training Academy


VU LE
~~SUPERVISORY~~ PATENT EXAMINER